

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

HANS TIEFENTHALER, on behalf of  
themselves and others similarly situated,

Plaintiff,

v.

TARGET CORPORATION,

Defendant.

C.A. NO. 1:19-cv-12412-RWZ

**MOTION TO STAY PENDING THE SUPREME COURT’S DECISION IN  
FACEBOOK, INC. V. DUGUID, NO. 19-511**

Defendant, TARGET CORPORATION (“Target”) by its attorneys, Ellen B. Silverman, Jennifer W. Weller and Jordan S. O'Donnell of Hinshaw & Culbertson LLP, respectfully requests that this Court stay proceedings in this case pending the United States Supreme Court’s decision in *Facebook, Inc. v. Duguid*, No. 19-511 (“*Facebook*”). A stay is warranted because the Facebook decision will shape this case’s issues, and is favored based upon Supreme Court proceedings in other recent TCPA matters. Moreover, relevant factors all weigh in favor of granting a stay, including the early stage of this litigation, the simplification of issues that will result, and the lack of prejudice to Plaintiff.

In further support of this motion, Target relies on the attached memorandum of reasons.

WHEREFORE, Defendant Target Corporation respectfully requests that this Honorable Court stay Plaintiff’s case until the Supreme Court issues its ruling in *Facebook v. Duguid*, No. 19-511.

Respectfully submitted,

TARGET CORPORATION

By: Its Attorneys

/s/ Jordan S. O'Donnell

Jordan S. O'Donnell, BBO #684001  
HINSHAW & CULBERTSON LLP  
53 State Street, 27th Floor  
Boston, MA 02109  
Tel: 617-213-7000/Fax: 617-213-7001  
Email: jodonnell@hinshawlaw.com

Jennifer Weller (*pro hac vice*)  
HINSHAW & CULBERTSON LLP  
51 N. Franklin Street, Suite 2500  
Chicago, IL 60606  
Tel: 312-704-3000  
Fax: 312-704-3001  
jweller@hinshawlaw.com

Ellen B. Silverman (*pro hac vice*)  
HINSHAW & CULBERTSON LLP  
800 Third Avenue, 13<sup>th</sup> Floor  
New York, NY 10022  
Tel: 212-471-6200  
Fax: 212-935-1166  
esilverman@hinshawlaw.com

Dated: July 22, 2020

**LOCAL RULE 7.1 CERTIFICATION**

I, Jordan S. O'Donnell, hereby certify that pursuant to Local Rule 7.1(a)(2), I conferred with opposing counsel in an effort to resolve the issues raised herein on July 22, 2020 and was unable to resolve a disagreement, as counsel indicated opposition to the present motion.

/s/ Jordan S. O'Donnell

Jordan S. O'Donnell

**CERTIFICATE OF SERVICE**

I, Jordan S. O'Donnell, hereby certify on this 22nd day of July 2020, that the documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Jordan S. O'Donnell

Jordan S. O'Donnell